

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, REPEALING AND REPLACING MESA CITY CODE TITLE 5, CHAPTER 1, ENTITLED “SPECIAL EVENT LICENSE”.

Text written in **BOLD ALL CAPS** indicates new language.

WHEREAS, the Mesa City Council acknowledges that special events enhance the lifestyle of the citizens of the City of Mesa by creating unique venues for expression, entertainment, and business that may not otherwise be provided within the framework of the Mesa City Code; and

WHEREAS, the Mesa City Council has determined that repealing Title 5, Chapter 1 of the Mesa City Code and replacing the Chapter with revised language serves to clarify the regulation and permitting requirements for individuals seeking to obtain a special event license; and

WHEREAS, revising the language will ensure fair and reasonable regulations governing the time, place, and manner of special events;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MESA, ARIZONA, MARICOPA COUNTY, ARIZONA AS FOLLOWS:

SECTION 1: That Title 5, Chapter 1, “Special Event License”, Ordinance No. 2726, of the Mesa City Code, Mesa, Arizona is repealed in its entirety and replaced with the following:

## **SPECIAL EVENT LICENSE**

### **SECTION:**

- 5-1-1: PURPOSE**
- 5-1-2: DEFINITIONS**
- 5-1-3: ADMINISTRATION; LICENSE REQUIRED**
- 5-1-4: GENERAL LICENSE PROVISIONS**
- 5-1-5: PRIVILEGE (SALES) TAX LICENSE REQUIRED**
- 5-1-6: GROUNDS FOR DENIAL OR REVOCATION OF A LICENSE**
- 5-1-7: SPECIAL EVENT LICENSE APPLICATION**
- 5-1-8: APPEAL**
- 5-1-9: VENDOR LIST**
- 5-1-10: VIOLATIONS; PENALTY**

**5-1-1: PURPOSE:**

**IT IS ACKNOWLEDGED BY THE CITY COUNCIL THAT SPECIAL EVENTS ENHANCE THE LIFESTYLE OF THE CITIZENS OF THE CITY OF MESA (“CITY”) AND CREATE UNIQUE VENUES FOR EXPRESSION, ENTERTAINMENT, AND BUSINESS THAT ARE NOT OTHERWISE PROVIDED WITHIN THE FRAMEWORK OF THE CITY CODE.**

**THE PURPOSE OF THIS CHAPTER IS TO ESTABLISH A PROCESS FOR PERMITTING AND REGULATING CERTAIN TEMPORARY ACTIVITIES CONDUCTED ON PUBLIC OR PRIVATE PROPERTY. THIS CHAPTER IS INTENDED TO PROVIDE FAIR AND REASONABLE REGULATIONS GOVERNING THE TIME, PLACE, AND MANNER IN WHICH A SPECIAL EVENT MAY TAKE PLACE.**

**5-1-2: DEFINITIONS:**

**PERSON: AN INDIVIDUAL, FIRM, PARTNERSHIP, JOINT VENTURE, ASSOCIATION, CORPORATION, OR ANY OTHER GROUP OR COMBINATION ACTING AS A UNIT IN THE PLURAL AS WELL AS THE SINGULAR NUMBER.**

**SPECIAL EVENT: A TEMPORARY USE IN ALL ZONING DISTRICTS WHICH MEETS THE DEFINITION AND CRITERIA SET FORTH IN THE CITY OF MESA ZONING CODE SECTION 11-31-27 AND SECTION 11-87-31.**

**VENDOR: ANY PERSON PARTICIPATING AS A RETAILER, AS DEFINED IN CITY OF MESA CODE SECTION 5-10-100, AT A SPECIAL EVENT.**

**5-1-3: ADMINISTRATION; LICENSE REQUIRED:**

- (A) IT IS THE DUTY AND RESPONSIBILITY OF THE BUSINESS LICENSING AND REVENUE COLLECTIONS ADMINISTRATOR TO ADMINISTER THE PROVISIONS OF THIS CHAPTER. THE BUSINESS LICENSING AND REVENUE COLLECTIONS ADMINISTRATOR WILL ISSUE, DENY, OR REVOKE SPECIAL EVENT LICENSES AS REQUIRED BY THIS CHAPTER. AN APPLICATION FOR A SPECIAL EVENT LICENSE WILL BE GRANTED OR DENIED WITHIN THE TIMEFRAMES ESTABLISHED BY THE BUSINESS LICENSING AND REVENUE COLLECTIONS ADMINISTRATOR.**
- (B) ANY PERSON, WHETHER AS A MEMBER, AGENT, OR EMPLOYEE, EITHER FOR THEMSELVES OR FOR ANY OTHER PERSON, WHO DESIRES TO CONDUCT A SPECIAL EVENT AS SPECIFIED IN THIS CHAPTER, MUST FIRST OBTAIN A LICENSE FROM THE BUSINESS LICENSING AND REVENUE COLLECTIONS ADMINISTRATOR.**
- (C) IT IS A VIOLATION OF THIS CHAPTER FOR ANY PERSON TO CONDUCT A SPECIAL EVENT WITHIN THE CORPORATE LIMITS OF THE CITY:**
  - (1) WITHOUT FIRST HAVING OBTAINED A LICENSE AS PROVIDED IN THIS CHAPTER;**

- (2) AFTER THE SPECIAL EVENT LICENSE IS REVOKED; OR
- (3) AT ANY LOCATION FOR WHICH A SPECIAL EVENT LICENSE IS NOT OBTAINED.

**5-1-4: GENERAL LICENSE PROVISIONS:**

- (A) **LICENSE FEE AND CONDITIONS. APPLICATIONS FOR A SPECIAL EVENT LICENSE MUST BE MADE IN THE LICENSING OFFICE ON A FORM PROVIDED BY THE CITY. ANY PERSON WHO SUBMITS AN APPLICATION FOR A SPECIAL EVENT LICENSE MUST INCLUDE ALL OF THE FOLLOWING IN ORDER FOR THE APPLICATION TO BE DEEMED ADMINISTRATIVELY COMPLETE:**
  - (1) AN APPLICATION CONTAINING ALL OF THE INFORMATION SET FORTH IN SECTION 5-1-7;
  - (2) THE APPLICATION FEE AS SET FORTH IN THE CURRENT SCHEDULE OF FEES AND CHARGES; AND
  - (3) CERTIFICATION BY AN INSURANCE COMPANY DULY LICENSED BY THE STATE OF ARIZONA THAT THE LICENSEE HAS IN EFFECT INSURANCE TO PROTECT THE PUBLIC, THE LICENSEE, AND THE CITY OF MESA, ITS ELECTED OFFICIALS, AND EMPLOYEES FROM LIABILITY FOR LOSSES AND DAMAGES ARISING OUT OF THE ACTIVITY WHICH IS THE SUBJECT OF THE LICENSE IF DEEMED NECESSARY BY THE BUSINESS LICENSING AND REVENUE COLLECTIONS ADMINISTRATOR. THE SPECIFIC POLICY FORM, LIMITS, AND ENDORSEMENTS MUST REFLECT THE TYPE OF ACTIVITY ANTICIPATED BY THE LICENSE AND MUST BE APPROVED BY THE BUSINESS LICENSING AND REVENUE COLLECTIONS ADMINISTRATOR AS A CONDITION OF LICENSURE.
- (B) **LICENSE NONTRANSFERABLE. A LICENSE ISSUED PURSUANT TO THIS CHAPTER CANNOT BE ASSIGNED OR TRANSFERRED. ANY ATTEMPTED ASSIGNMENT OR TRANSFER WILL VOID THE LICENSE AND FORFEIT ALL LICENSE FEES PAID.**
- (C) **EXHIBITION OF LICENSE. EACH PERSON LICENSED UNDER THIS CHAPTER MUST PLACE OR EXHIBIT THE LICENSE AT ALL TIMES IN A CONSPICUOUS PLACE AND MUST BE ABLE TO PRODUCE THE SAME WHEN REQUESTED TO DO SO BY ANY POLICE OFFICER OR CITY OFFICIAL.**
- (D) **APPLICATIONS FOR A SPECIAL EVENT LICENSE MUST BE SUBMITTED TO THE CITY LICENSING OFFICE A MINIMUM OF THIRTY (30) CALENDAR DAYS PRIOR TO THE FIRST DAY OF THE SPECIAL EVENT.**
- (E) **IN THE EVENT AN APPLICATION FOR A SPECIAL EVENT LICENSE IS DENIED, THE APPLICATION FEE WILL NOT BE REFUNDED EXCEPT AS REQUIRED BY LAW.**

**5-1-5: PRIVILEGE (SALES) TAX LICENSE REQUIRED:**

**WHEN ANY PORTION OF THE SPECIAL EVENT INVOLVES A BUSINESS ACTIVITY WHERE TANGIBLE PERSONAL PROPERTY IS SOLD, DISPLAYED FOR SALE, OR OTHERWISE OFFERED FOR SALE IN THE CITY, SUCH BUSINESS ACTIVITY MUST BE CONDUCTED, AND SALES MUST TAKE PLACE, IN A MANNER WHICH REQUIRES THAT ANY APPLICABLE LOCAL SALES TAX BE PAID TO THE CITY IN ACCORDANCE WITH TITLE 5, CHAPTER 10 OF THE MESA CITY CODE, AND THE MODEL CITY TAX CODE.**

**5-1-6: GROUNDS FOR DENIAL OR REVOCATION OF A LICENSE:**

- (A) THE BUSINESS LICENSING AND REVENUE COLLECTIONS ADMINISTRATOR WILL HAVE THE AUTHORITY TO REFUSE TO ISSUE A LICENSE OR TO REVOKE AT ANY TIME ANY LICENSE GRANTED IN ACCORDANCE WITH THIS CHAPTER FOR ANY OF THE FOLLOWING CAUSES:**
- (1) FRAUD, MISREPRESENTATION, OR FALSE STATEMENT MADE IN THE COURSE OF APPLYING FOR LICENSE;**
  - (2) FRAUD, MISREPRESENTATION, OR FALSE STATEMENT MADE IN THE COURSE OF CARRYING ON THE SPECIAL EVENT;**
  - (3) ANY VIOLATION OF THIS CHAPTER;**
  - (4) THE REQUESTED LOCATION AND TIME FOR THE SPECIAL EVENT CONFLICTS WITH A PREVIOUSLY ISSUED SPECIAL EVENT LICENSE;**
  - (5) CONDUCTING BUSINESS IN AN UNLAWFUL MANNER OR IN SUCH A MANNER AS TO CONSTITUTE A BREACH OF THE PEACE OR TO CONSTITUTE A MENACE TO THE HEALTH, SAFETY, OR GENERAL WELFARE OF THE PUBLIC;**
  - (6) FAILURE TO COMPLY WITH ANY TERM OR CONDITION OF APPROVAL AS SPECIFIED IN THE LICENSE APPLICATION, SUCH AS, BUT NOT LIMITED TO, BUILDING PERMITS, TENT PERMITS, SIGNAGE SCHEDULES, ROAD CLOSURES, AND DEVELOPMENT PLANS;**
  - (7) THE LOCATION OF THE SPECIAL EVENT CONFLICTS WITH CONSTRUCTION OR MAINTENANCE BEING PERFORMED BY THE CITY OR AN ENTITY AUTHORIZED BY THE CITY;**
  - (8) THE LOCATION OF THE SPECIAL EVENT INTERFERES WITH THE MOVEMENT OF POLICE, FIRE-FIGHTING, OR EMERGENCY MEDICAL EQUIPMENT IN ROUTE TO POLICE, FIRE, OR EMERGENCY MEDICAL CALLS;**
  - (9) THE SPECIAL EVENT CAUSES UNDUE HARDSHIP ON ADJACENT BUSINESSES OR RESIDENTS;**

- (10) THE SPECIAL EVENT LACKS ADEQUATE SECURITY, CROWD CONTROL, PARKING AND TRAFFIC CONTROL MEASURES, OR SUBSTANTIALLY INTERRUPTS THE SAFETY AND ORDERLY MOVEMENT OF OTHER TRAFFIC CONTIGUOUS TO THE EVENT;
  - (11) THE SPECIAL EVENT DOES NOT PROVIDE A SAFE ENVIRONMENT SUCH THAT IT MAY ENDANGER PARTICIPANTS OR SPECTATORS;
  - (12) THE APPLICANT DID NOT PROVIDE ADEQUATE INSURANCE TO COVER THE SPECIAL EVENT AS DESCRIBED IN SECTION 5-1-4(A)(3);
  - (13) THE SPECIAL EVENT DOES NOT COMPLY WITH MESA CITY CODE FIRE REGULATION REQUIREMENTS;
  - (14) THE APPLICANT, SPONSOR, PROMOTER, EVENT COORDINATOR, OR THE SPECIAL EVENT HAS A DOCUMENTED HISTORY OF POLICE CALLS FOR SERVICE OR CITATIONS FOR VIOLATION OF THE LAW;
  - (15) THE APPLICANT, SPONSOR, PROMOTER, OR EVENT COORDINATOR HAS NOT OR CANNOT COMPLY WITH APPLICABLE LICENSURE REQUIREMENTS, CODES, OR REGULATIONS OF THE CITY CONCERNING THE SALE OR OFFERING FOR SALE OF ANY GOODS OR SERVICES; OR
  - (16) THE APPLICANT HAS FAILED TO SUBMIT A VENDOR LIST AS REQUIRED IN SECTION 5-1-9.
- (B) THE BUSINESS LICENSING AND REVENUE COLLECTIONS ADMINISTRATOR, A CITY POLICE OFFICER, CITY FIRE INSPECTOR, CITY LICENSE ENFORCEMENT OFFICER, OR CITY CODE COMPLIANCE OFFICER HAS THE AUTHORITY TO REVOKE A LICENSE ISSUED UNDER THIS CHAPTER IF IT IS DISCOVERED BY THE AFOREMENTIONED CITY OFFICIAL THAT VIOLATIONS OF THE MESA CITY CODE, OR ANY APPLICABLE STATE LAW EXIST AT THE SPECIAL EVENT.
- (C) ANY VIOLATIONS OF THIS CHAPTER DISCOVERED BY A CITY OFFICIAL WILL BE REPORTED TO THE BUSINESS LICENSING AND REVENUE COLLECTIONS ADMINISTRATOR.

**5-1-7: SPECIAL EVENT LICENSE APPLICATION:**

AN APPLICATION FOR A SPECIAL EVENT LICENSE MUST BE MADE ON FORMS FURNISHED BY THE CITY AND, AT A MINIMUM, CONTAIN THE FOLLOWING INFORMATION:

- (A) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE PERSON SEEKING TO HOLD OR CONDUCT SUCH EVENT.
- (B) IF THE EVENT IS PROPOSED TO BE CONDUCTED BY AN EVENT ORGANIZER; THE COMPANY NAME, ADDRESS, TELEPHONE NUMBER AND TELEPHONE NUMBERS OF CONTACT PERSON(S).

- (C) THE DATE AND HOURS THE EVENT WILL BE HELD.**
- (D) THE LOCATION, INCLUDING WHERE APPLICABLE, THE ASSEMBLY AREAS, DISPLAY AREAS, THE ROUTE TO BE TRAVELED, THE STARTING POINT AND TERMINATION POINT, AND ANY CLOSURES OF STREETS, SIDEWALKS OR RIGHT-OF-WAYS.**
- (E) WRITTEN PERMISSION OF THE PROPERTY OWNER IF THE LOCATION INCLUDES PRIVATE PROPERTY.**
- (F) A SITE PLAN TOGETHER WITH A MAP OR DIAGRAM SHOWING THE AREA TO BE USED, THE LOCATION OF EQUIPMENT, VENDORS, GAME BOOTHS, ANIMALS, STANDS, STAGES, SEATING, TOILET FACILITIES, PARKING, AND OTHER FACILITIES SUCH AS WATER, AS NECESSARY FOR THE SPECIFIC EVENT.**
- (G) THE APPROXIMATE NUMBER OF PERSONS, VEHICLES AND EQUIPMENT, TYPES OF ANIMALS, COMMERCIAL VENDORS AND TEMPORARY FACILITIES SUCH AS STANDS, STAGES, SEATING OR GAME BOOTHS, IF ANY, WHICH WILL BE INVOLVED.**
- (H) A COMPLETE DESCRIPTION OF THE EVENT AND HOW THE APPLICANT PROPOSES TO MEET CITY REQUIREMENTS.**
- (I) IF THE APPLICANT INTENDS TO PROVIDE OVERNIGHT ACCOMMODATIONS FOR RECREATIONAL VEHICLES AND CAMPERS, APPLICANT MUST INCLUDE A WRITTEN PROPOSAL DESCRIBING SUCH PROVISIONS INCLUDING WASTE DISPOSAL.**
- (J) A STATEMENT PROVIDING THE SCOPE OF USE OF ANY OPEN FLAME DEVICES, FLAMMABLE OR COMBUSTIBLE LIQUIDS OR GASES. IF ANY FIREWORKS OR PYROTECHNIC SPECIAL EFFECT MATERIALS ARE PLANNED TO BE USED, THE APPLICANT MUST PROVIDE THE INFORMATION REQUESTED IN THE APPLICATION RELATED TO FIREWORKS. THE USE OF ANY OPEN FLAME DEVICES, FLAMMABLE OR COMBUSTIBLE LIQUIDS, OR FIREWORKS MUST CONFORM TO TITLE 7 OF THE MESA CITY CODE.**
- (K) A DESCRIPTION OF THE PROPOSED SIGNS TO ADVERTISE THE EVENT INCLUDING SIZE, SHAPE, COLOR AND LOCATIONS.**
- (L) IF THE APPLICANT IS AN INDIVIDUAL, PROOF THE APPLICANT'S PRESENCE IN THE UNITED STATES IS AUTHORIZED UNDER FEDERAL LAW, PURSUANT TO ARIZONA REVISED STATUTES SECTION 41-1080.**
- (M) ANY OTHER REQUIRED INFORMATION AS STATED IN THE APPLICATION.**

**5-1-8: APPEAL:**

**ANY PARTY AGGRIEVED BY A DECISION OF THE BUSINESS LICENSING AND REVENUE COLLECTIONS ADMINISTRATOR UNDER THIS CHAPTER MAY APPEAL WITHIN TEN (10) CALENDAR DAYS AFTER BEING SENT, BY REGISTERED OR CERTIFIED MAIL, NOTICE OF SUCH DECISION. THE LICENSING OFFICE WILL SEND THE NOTICE TO THE MAILING ADDRESS AS SHOWN BY THE LICENSE APPLICATION. SERVICE OF THE NOTICE WILL BE DEEMED COMPLETE UPON MAILING. THE APPEAL MUST BE IN WRITING, MUST STATE THE GROUNDS FOR THE APPEAL, AND MUST BE SENT TO THE BUSINESS SERVICES DIRECTOR OR THEIR DESIGNATED REPRESENTATIVE, WHO WILL SCHEDULE A HEARING WITHIN FOURTEEN (14) CALENDAR DAYS OF RECEIPT OF THE APPEAL. THE HEARING WILL BE ADMINISTERED BY A HEARING OFFICER SELECTED BY THE CITY WHO WILL RENDER A DECISION WITHIN FOURTEEN (14) CALENDAR DAYS OF THE HEARING. THIS DECISION WILL SERVE AS THE CITY'S FINAL ACTION.**

**5-1-9: VENDOR LIST**

**THE APPLICANT, PROMOTER OR EVENT COORDINATOR MUST REPORT TO THE CITY ALL VENDORS WHO WISH TO PARTICIPATE IN THE SPECIAL EVENT ("VENDOR LIST"). THE VENDOR LIST WILL INCLUDE: THE BUSINESS NAME UNDER WHICH EACH VENDOR OPERATES, THE BUSINESS ADDRESS, AND, WHERE APPLICABLE, THE CURRENT TRANSACTION PRIVILEGE TAX LICENSE NUMBERS ISSUED BY THE CITY AND THE STATE OF ARIZONA. THE VENDOR LIST MUST BE PROVIDED TO THE CITY AT THE TIME THE APPLICATION IS SUBMITTED FOR THE SPECIAL EVENT LICENSE. THE VENDOR LIST MAY BE AMENDED BY THE APPLICANT UP TO TWO WEEKS AFTER THE LAST DATE OF THE SPECIAL EVENT. THE VENDOR LIST AND ANY AMENDMENT MAY BE SUBMITTED IN PERSON, BY MAIL, EMAIL OR FAX ON A FORM PROSCRIBED BY THE CITY.**

**5-1-10: VIOLATIONS; PENALTY**

- (A) A PERSON WHO VIOLATES SECTION 5-1-3(C) WILL BE GUILTY OF A CLASS ONE MISDEMEANOR AND UPON CONVICTION WILL BE PUNISHED BY A FINE NOT TO EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) OR BY IMPRISONMENT IN JAIL FOR A PERIOD NOT TO EXCEED SIX (6) MONTHS, OR BY BOTH SUCH FINE AND IMPRISONMENT. EACH DAY OF VIOLATION CONTINUED WILL BE A SEPARATE OFFENSE.**
- (B) A PERSON WHO VIOLATES SECTION 5-1-9 WILL BE GUILTY OF A CIVIL INFRACTION; THE PENALTY FOR A PERSON FOUND RESPONSIBLE FOR A VIOLATION WILL BE A MANDATORY MINIMUM FINE OF TWO HUNDRED AND FIFTY DOLLARS (\$250.00). EACH SUBSEQUENT VIOLATION WILL BE A SEPARATE OFFENSE.**

**SECTION 2: PRESERVATION OF RIGHTS AND DUTIES.** The repealing provisions of the Ordinance do not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this repeal.

SECTION 3: SEVERABILITY. The terms and provisions of this ordinance are severable and if any section, subsection, sentence, clause, phrase or portion of this Ordinance, or any part of the Mesa City Code adopted herein by reference, is for any reason held to be invalid, unenforceable or unconstitutional by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in effect.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk